

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the
Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and the Chapter 7 Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS
Deutschland AG, as successor in interest to
Dresdner Bank Lateinamerika AG, and LGT
BANK (SWITZERLAND) LTD. as successor in
interest to Dresdner Bank (Schweiz) AG,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

Adv. Pro. No. 12-01577 (CGM)

STIPULATION AND ORDER TO WAIVE ARGUMENT

Irving H. Picard (the “Trustee”), as trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa–*lll*, and the estate of Bernard L. Madoff, under Chapter 7 of the United States Bankruptcy Code, 11 U.S.C. §§ 701–784, and Defendant LGT Bank

(Switzerland) Ltd. as successor in interest to Dresdner Bank (Schweiz) AG (“Defendant,” and together with the Trustee, the “Parties”), by and through their respective undersigned counsel, stipulate and agree as follows:

WHEREAS, on September 15, 2022, Defendant filed a Motion to Dismiss the Trustee’s Amended Complaint (the “Motion”) [ECF No. 109], with a Memorandum of Law [ECF No. 110], the Declaration of Gregory F. Hauser [ECF No. 111], and a Notice of Hearing [ECF No. 112]; on November 14, 2022, the Trustee filed an Opposition to Defendant’s Motion [ECF No. 119], and the Declaration of Dean D. Hunt [ECF No. 120]; and on December 21, 2022, Defendant filed a Reply in further support of its Motion [ECF No. 124] (collectively, the “Briefing”);

WHEREAS, the Defendant noticed a hearing to consider the Motion, to be held on January 18, 2023, at 10:00 am; and

WHEREAS, the Parties have conferred and agree to rest on their papers and waive oral argument on the Motion.

IT IS HEREBY STIPULATED AND AGREED, by the Parties, and **SO ORDERED**, by the Court:

1. The Court will not hear oral argument on the Motion, and thus the hearing scheduled for 10:00 a.m. on January 18, 2023 to consider the Motion is hereby cancelled and removed from the Court’s calendar.
2. The Parties request the Court issue its ruling based on the Briefing.
3. The Parties otherwise reserve all rights, arguments, objections, and defenses they may have, and entry into this Stipulation shall not impair or otherwise affect any such rights, arguments, objections, and defenses.

Dated: January 13, 2023
New York, New York

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Securities LLC and the Chapter 7
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*Attorneys for Defendant LGT Bank (Switzerland) Ltd. as
successor in interest to Dresdner Bank (Schweiz) AG*

Dated: January 17, 2023
Poughkeepsie, New York



/s/ Cecelia G. Morris

Hon. Cecelia G. Morris
U.S. Bankruptcy Judge